

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Celso ROMERO-FIGUEROA,

Petitioner

v.

CIVIL NO. 98-1938 (CCC)

Luis MALAVES, Warden,

Respondent

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U.S. DISTRICT COURT
SAN JUAN, P.R.

REPORT AND RECOMMENDATION

Petitioner filed this action as a state *habeas petition* under 28 U.S.C. §2254. An order was issued on June 11, 1999 (D.E. #4) for petitioner to show he exhausted state available relief. The case numbers submitted on July 8, 1999 (D.E. #5) failed to comply with said order. In addition to informing petitioner of noncompliance, the order issued on June 21, 1999 (D.E. #6) indicated to petitioner he was to show the content of his state filings and the R. 192.1 motion for new trial to establish exhaustion. Rose v. Lundy, 455 U.S. 509, 102 S.Ct. 1198 (1998).¹

Since neither the case file nor a search in the Clerk's Office, record shows any filing by petitioner in compliance with this magistrate's orders,² it is hereby recommended that this petition BE DISMISSED.

¹ Exhaustion requirements applies equally to pro-se litigants.

² Link v. Wabash R.R., 370 U.S. 626, 82 S.Ct. 1386 (1962); Angulo-Alvarez v. Aponte, 170 F.3d 246 (1st Cir. 1999); Ruiz v. Alegria, 896 F.2d 645 (1st Cir. 1990).

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IT IS SO RECOMMENDED.

The parties have ten (10) days to file any objections to this report and recommendation. Failure to file same within the specified time waives the right to appeal this order. Henley Drilling Co. v. McGee, 36 F.3d 143, 150-151 (1st Cir. 1994); United States v. Valencia, 792 F.2d 4 (1st Cir. 1986).

In San Juan, Puerto Rico, this 30th of August, 1999

~~J. ANTONIO CASTELLANOS~~
~~U.S. MAGISTRATE JUDGE~~

s/c: C. Romero

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